

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:20-CV-100-BO

DE DE COLBERT, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )  
                        )  
ANDREW SAUL, Commissioner of Social     )  
Security,             )  
                        )  
Defendant.         )

O R D E R

This cause comes before the Court *sua sponte*. Plaintiff initiated this action on June 5, 2020. [DE 1] On August 10, 2020, this Court adopted United States Magistrate Judge Robert Numbers's memorandum and recommendation and denied plaintiff's motion to proceed *in forma pauperis*. [DE 7]. The Court also granted her attorney's motion to withdraw for good cause shown. *Id.* Plaintiff was ordered to pay the filing fees and file a notice of self-representation or cause counsel to appear by September 10, 2020 and September 1, 2020, respectively. *Id.* She has not done so.

"The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power.'" *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962). The Fourth Circuit requires trial courts to consider four factors before dismissing a case for failure to prosecute: "(1) the plaintiff's degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal." *Hillig v. Comm'r*, 916 F.2d 171, 174 (4th Cir. 1990). Plaintiff here is *pro se* and therefore entirely responsible for her failure to prosecute. It is prejudicial to defendant to have a case hanging in limbo with no end in

sight because plaintiff neglects her duty to prosecute her case. Because plaintiff has failed to pay filing fees and to file a notice of self-representation or cause counsel to appear, no sanction less drastic than dismissal would be effective. Accordingly, this Court *sua sponte* orders the DISMISSAL WITH PREJUDICE of the instant case for failure to prosecute. The clerk is directed to close the file and enter judgment accordingly.

SO ORDERED, this 5 day of November, 2020.

  
TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE